

CLINTON BROOK & PEED

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May 29, 2015

VIA CM/ECF AND U.S. MAIL

The Hon. Deborah A. Batts
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl St., Room 2510
New York, NY 10007

RE: United States v. Anthony Cuti, 08-CR-972

Dear Judge Batts,

I write on behalf of Defendant Anthony Cuti to respectfully request an extension of time until July 2, 2015 to respond to the restitution submissions filed by the Government and Duane Reade. Under the current schedule, Mr. Cuti's response is due on June 12, 2015. Additional time is requested so that Mr. Cuti's response can fairly address Duane Reade's recent supplement at the same time as the matters previously raised. In addition, more time to respond is necessary because of scheduling conflicts that have arisen with respect to other matters, including an overlapping briefing deadline to respond to a 97-page motion for summary judgment filed by Duane Reade in the non-longer-stayed Arbitration between Mr. Cuti and Duane Reade.

I have conferred with counsel for the Government and Duane Reade, and they consent to this request provided that the deadline for their replies is adjusted to July 24, 2015, from the current deadline of July 3, 2015.

No previous request for an extension has been made by Mr. Cuti. On March 16, I submitted a request to alter the briefing schedule for all parties to avoid conflict with my travel plans, which place me out of the country from May 29 until June 5. That request did not increase the amount of time to prepare a response, however, as the additional time was allocated to the Government and Paul Weiss.

Respectfully submitted,



Brian C. Brook

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cc: Parvin Moyne (*via email*)
Daniel Beller (*via email*)
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Bruce Bishop (*via email*)